

ESTTA Tracking number: **ESTTA650045**

Filing date: **01/14/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212553
Party	Defendant 365 Laboratories, LLC
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Submission	Motion to Suspend for Settlement Discussions
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application No. 85812336  
For the mark: NATURE365 (and Design)  
Date Published: May 21, 2013

Whole Foods Market IP, L.P.	)	
	)	
Opposer,	)	Opposition No. 91212553
	)	
v.	)	
	)	
365 LABORATORIES, LLC	)	
	)	
Applicant.	)	
	)	

**STATUS REPORT TO ACCOMPANY MOTION TO SUSPEND PROCEEDING**

Opposer, Whole Foods Market IP, L.P., and Applicant, 365 LABORATORIES, LLC., each individually a “Party” and collectively, the “Parties” hereby file this Status Report concurrently with a Consented Motion to Suspend Proceeding, as requested by the Board, and report as follows:

1. To date, the Parties have not exchanged any discovery as the Parties have been working diligently on settling this matter without the need for protracted litigation.

2. The Parties, through their counsel, have undertaken continuous and extensive dialogue, negotiation, and exchange of information in seeking to reach a settlement. As noted above, the Parties have not initiated formal discovery; however, the Parties have exchanged significant amounts of information, and have negotiated and drafted a settlement agreement that substantially addresses the outstanding issues.

3. It is believed by the Parties that the settlement agreement will be resolved between themselves in the next 60 days.

Respectfully submitted,

By:           /Craig S Kirsch/          

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